

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORKTitus McBride, Spc.

(In the space above enter the full name(s) of the plaintiff(s).)

-against-

The City of New York:  
Detective: Albert Velez  
Detective: David Mischa  
Jill Konviser  
Charles Kee  
Michael J. Obus

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name

TITUS McBride

ID #

349-1405784

Current Institution

R.N.D.C.

Address

11-11 Hazen StreetEast Elmhurst, New York, 11370

B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name

Albert VelezShield # 04287

Where Currently Employed

Mid-town South precinct

Address

51 Street 8<sup>th</sup> AvenueNew York, New York

16CV6988

COMPLAINT

under the

Civil Rights Act, 42 U.S.C. § 1983  
(Prisoner Complaint)Jury Trial: ☐ Yes ☐ No

(check one)

Title: 18 USCA, 28 USCA  
26 C.F.R., 501(c)

Basis for Jurisdiction

Federal Question: 28 U.S.C. § 1332Federal Constitution: Lack of  
Subject Matter Jurisdiction, Due  
Process of Law, 10<sup>th</sup> Amendment  
Article -1, Section 8, Clause 17.

Statutory:

Treaty Right: Treaty of Peace of 1783

Trading with the Enemy Act.

Defendant No. 2 Name David Mischa Shield # 417  
 Where Currently Employed Mid-town South  
 Address 51 Street 8<sup>th</sup> Avenue  
New York, New York

Defendant No. 3 Name Jill Konviser Shield # \_\_\_\_\_  
 Where Currently Employed 100 Centre Street  
 Address New York, New York 10007

Defendant No. 4 Name Charles Kee Shield # \_\_\_\_\_  
 Where Currently Employed One Hogan Place  
 Address New York, New York, 10013

Defendant No. 5 Name Michael J. Obus Shield # \_\_\_\_\_  
 Where Currently Employed 100 Centre Street  
 Address New York, New York, 10007

## II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

N/A

B. Where in the institution did the events giving rise to your claim(s) occur?

N/A

C. What date and approximate time did the events giving rise to your claim(s) occur?

4:45 A.M.

D. Facts: Lack of Subject Matter Jurisdiction: The City of New York law enforcement agency had Violated my alienable/unalienable rights of a Sovereign by Without Just cause Crossing the threshold of his home and federal zone Without a Warrant, and made an Arrest, - Unlawful Arrest, Illegal Arrest, Restraint, Distraint, or Trespassing / Trespass: Without a lawful Correct and Complete 4<sup>th</sup> amendment Warrant \$2,000,000.00 (Two Million) US Dollars as per Title 18 U.S.C.A., § 241 and § 242 per officer, official, Agent or Representative involved, ON: April 21, 2014 at 4:45 A.M. law enforcement had made an arrest on unconfirmed DNA that they knew was not a match 16 months later a force Order was Made on June 10, 2015 discovery was return on August 17, 2015 that excluded me from all test and sample, it is now 29 months and I am still being illegally detained and cannot be brought to trial because the Statute was Violated penal Law 210.45 filing a false Complaint which is a non-waivable Jurisdictional Issue, C.P.R. § 100.05, 100.15, 100.40 and it's Constitutional See: Attach Copy's of exhibit

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

### III. Injuries:

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. Treason against the United States Constitution

Slavery and the unalienable Right to life Liberty and the pursuit of Happiness

That, All of the undersigned: Titus McBride, documents was Accepted for value and Registered as law that being under financing Statement Number: 2012-249-0689 / EIN #47-7258920 In the State of Washington D.C. and New York Secretary of State was also put on Notice

### IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☐ No ☒

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

None

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes ☒ No ☐ Do Not Know ☐

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes ☐ No ☒ Do Not Know ☐

If YES, which claim(s)? \_\_\_\_\_

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes ☐ No ☒ N/A

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes ☐ No ☒

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? N/A

1. Which claim(s) in this complaint did you grieve? None

2. What was the result, if any? None

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process.

N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: \_\_\_\_\_

N/A

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: \_\_\_\_\_

N/A

- G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies. \_\_\_\_\_

N/A

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount).

I AM Requesting under the United States Constitution 10<sup>th</sup> Amendment Article 1 Section 8, clause 17 for The United States District Court, Southern District of New York, to take <sup>over</sup> Jurisdiction because the State lack Jurisdiction over Titus McBride Spc / Sovereign.

Except for Value the Case / Charges and exempt from levy and discharge, the Case Using my EIN #17-2258920

and to move forward With tort Claim against the Respondent's for Unlawful arrest, Illegal arrest, Restraint, Distraint, and Trespassing trespass Violation of Right to Speedy trial, Conspiracy Aid and Abet, Packetteering and abuse of Authority: as per Title 18 USCA 241, 242 \$2,000,000.00 US Dollars per Occurrence, per official, Agent OR Representative involved.

VI. Previous lawsuits:

- A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☒ No ☐

On  
these  
claims

- B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff TITUS McBRIDE

Defendants N.Y.C., Albert Yelez, David Mischa,

2. Court (if federal court, name the district; if state court, name the county) United States District Court Southern District Court of New York

3. Docket or Index number 15 Civ 3203

4. Name of Judge assigned to your case Colleen McMahon

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes ☒ No ☐

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

On  
other  
claims

- C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?

Yes \_\_\_\_\_ No \_\_\_\_\_

- D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff \_\_\_\_\_

Defendants \_\_\_\_\_

2. Court (if federal court, name the district; if state court, name the county) \_\_\_\_\_

3. Docket or Index number \_\_\_\_\_

4. Name of Judge assigned to your case \_\_\_\_\_

5. Approximate date of filing lawsuit \_\_\_\_\_

6. Is the case still pending? Yes \_\_\_\_\_ No \_\_\_\_\_

If NO, give the approximate date of disposition \_\_\_\_\_

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) \_\_\_\_\_

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 1<sup>st</sup> day of September, 2016.

Signature of Plaintiff

Inmate Number

Institution Address

Ritus McBride

349-140 5784

B.N.D.C

11-11 Hazen Street

East Elmhurst, N.Y 10370

**Note:** All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this 1<sup>st</sup> day of September, 2016, I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

Signature of Plaintiff:

Ritus McBride

New York State Police  
Forensic Investigation Center  
DNA Databank Unit  
1220 Washington Avenue  
Albany, New York 12226  
Phone: (518) 457-1208  
Fax: (518) 457-2823



New York State  
Division of Criminal Justice Services  
Office of Forensic Services  
Alfred E. Smith Office Building  
80 South Swan Street  
Albany, New York 12210  
Phone: (518) 457-1901  
Fax: (518) 457-9384

April 14, 2014

Timothy D. Kupferschmid, MBA, MFS  
Director of Forensic Biology  
Office of Chief Medical Examiner  
421 E. 26th Street  
New York, NY 10016

Dear Mr. Kupferschmid:

A search of the State DNA Index System (SDIS) resulted in a match between the City of New York, Office of the Chief Medical Examiner specimen number 14-00752-491-GLOVE-BU and convicted offender specimen number 10360685A.


The purpose of this report is to inform you of a possible investigative lead related to this specimen. The convicted offender information is as follows:

Name: TITUS MCBRIDE  
Aliases: MULTIPLE - REFER TO RAP SHEET  
NYSID#: [REDACTED]  
Current Location: UNKNOWN

A copy of this letter should be provided to the submitting agency for appropriate review in this investigative matter. If legal action is anticipated, based on this information, it is strongly recommended that a new DNA specimen be collected from the named individual. This new DNA specimen should then be submitted to your laboratory for appropriate confirmatory analysis.

If you require certification documents for this match, please e-mail your request to erin.cavanaugh@dcjs.ny.gov, or fax a copy of your request to (518) 457-9384. A minimum of 48 to 72 hours notification is required for certifications to allow the Office of Forensic Services to retrieve the necessary documentation.

Very truly yours,

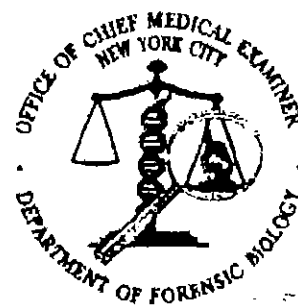
  
Brian J. Gestring  
Director, Office of Forensic Services





**OFFICE OF CHIEF MEDICAL EXAMINER**

Department of Forensic Biology  
Charles S. Hirsch Center for Forensic Sciences  
421 East 26<sup>th</sup> Street, New York, New York 10016  
Official Website: <http://www.nyc.gov/ocme>



**Certification of Department of Forensic Biology File as a Business Record**

I, Joy Galanda, have been delegated to certify records by Barbara A. Sampson, M.D., Ph.D., Chief Medical Examiner of the New York City Office of Chief Medical Examiner according to Rule 4518 of the New York Civil Practice Law and Rules.

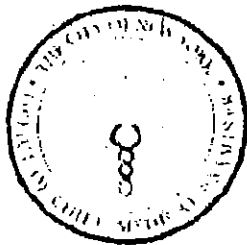
The Office of Chief Medical Examiner (OCME) is a governmental office organized under §557 of the New York City Charter and Sections 17-201 through 17-206 of the New York City Administrative Code.

All documents and records maintained in the OCME Department of Forensic Biology electronic case file were prepared by the OCME in the regular course of business within the Department of Forensic Biology. It is the regular course of business of the OCME Department of Forensic Biology to prepare the documents and records attached to this certification.

I have examined the original electronic documents and records maintained by the Department of Forensic Biology concerning case file number: FBs15-00719 and I attest that the documents and records attached to this certification are a true and accurate copy of the original electronic documents and records maintained by the OCME Department of Forensic Biology.

On this 21<sup>st</sup> day of August, 2015, I certify these copies as genuine and as business records of the OCME Department of Forensic Biology.

Joy Galanda  
Signature of Certifier



**OFFICE OF CHIEF MEDICAL EXAMINER**  
520 First Avenue, New York, New York 10016

Timothy D. Kupferschmid, Director  
DEPARTMENT OF FORENSIC BIOLOGY  
Charles S. Hirsch Center for Forensic Sciences  
421 East 26th Street, New York, New York 10016  
Telephone: 212.323.1200 Email: DNALab@ocme.nyc.gov  
Official Website: <http://www.nyc.gov/ocme>



DATE: August 17, 2015

**LABORATORY REPORT**

SUSPECT: Titus McBride  
ARREST NO: M14635775

NYSID NO: [REDACTED]

LAB NO: FBS15-00719  
REPORT ID: CRT-0815-0015

**ADDITIONAL REPORT**

This is an additional report. For previous results, evidence received, and disposition, see Case Report ID CRT-0715-0593.

**RESULTS AND CONCLUSIONS**

STR DNA typing using the AmpF/STR® Identifier® PCR Amplification Kit was previously performed on the DNA sample from Titus McBride. A DNA profile was determined.

This DNA profile was compared to the results in the following case:

FB Number	Complaint Number	Entity Name	Case Report ID
FB13-02559	2013-005-02797	Tim Sit Family News Stand	CRT-1013-0476

Titus McBride is excluded as a contributor to all samples where comparisons could be made.

Analyst : Susan Horan  
(Criminalist, Level IV)  
Administrative Review Date : 08/17/2015  
Administrative Reviewer : Meshana Bourne

FBS15-00719

Titus McBride

Conclusions for DNA Typing

**Mixture:** A DNA profile that has more than one donor.

**Major:** Alleles that are present in a higher proportion in a DNA mixture profile.

**Minor:** Alleles that are present in a lower proportion in a DNA mixture profile.

**Match:** The alleles detected in a questioned/evidence sample that are the same as the alleles detected in another sample.

**Is included as a possible contributor:** For the locations where comparisons could be made, all or most of the DNA alleles seen in an individual's DNA profile were also seen in the mixture. The allele(s) that were absent could be explained by any of several factors. Therefore, this person cannot be ruled out as a possible contributor to the mixture.

**Excluded as a contributor to the mixture:** For the locations where comparisons could be made, one or more of the DNA alleles seen in an individual's DNA profile were not seen in the mixture and this absence cannot be explained. Therefore, this person can be ruled out as a contributor.

**No conclusions can be drawn:** The results do not support a positive association or an exclusion. Therefore, it cannot be determined whether a person can be included as a possible contributor to the mixture.

**Not suitable for comparison:** The DNA results on the evidence are either too incomplete or too complex to be the basis for conclusions regarding the source of the DNA.

**Partial Match:** An association between two single-source (clean or fully deconvoluted) profiles, showing similarities but short of an exact match, that suggests that the source of a profile is potentially a relative of the source of the other, partially matching, profile. Partial matches are inadvertent, and may be found at the local, state, or national levels (through comparison at the bench, LINKAGE, or CODIS searches).

CRIMINAL COURT OF THE CITY OF NEW YORK  
COUNTY OF NEW YORK

THE PEOPLE OF THE STATE OF NEW YORK

-against-

Titus McBride (M 50),

Defendant.

FELONY

ADA Charles Kee  
(212) 335-9189

Deponent is further informed by Louis Vele that this male DNA profile was uploaded to the DNA databank system for comparison to known offenders, and that it matches the Convicted Offender DNA profile of NYSID # [REDACTED]

False statements made in this written instrument are punishable as a class A misdemeanor pursuant to section 210.45 of the Penal Law, and as other crimes.

Det Albert Velez 4/22/14 2:22 PM  
Detective Albert Velez Date Time

2593734



**REQUEST FOR LABORATORY  
EXAMINATION REPORT  
PD 521-166(Rev.01-09)**



RFL# 99000146021

**THE BIOLOGICAL MATERIAL ON AN EVIDENCE  
ITEM OR DNA TYPING OF A REFERENCE SAMPLE**

LEFT AT SCENE OF CRIME

Exact Location Where Evidence Was Collected/Recovered

Suspected Type Of Biological Evidence

Biological Bag No.

RNDG INTAKE AREA AT 11-11 HAZEN STREET QUEENS  
NY

SALIVA

Field Processed? **ITEM NOT PROCESSED IN THE FIELD**

Compare this item to the No. item: 1006448491-0001

Was DNA Evidence collected from a residential home/apartment owned/leased by any of the suspects/arrestees? **NO**Suspect/Arrestee: **N/A**Was DNA Evidence collected from a motor vehicle owned/leased by the suspects/arrestees? **NO**Suspect/Arrestee: **N/A** Year: **Make:** Model: **Color:**

## Details

916280 06/10/2016 16:14 : AT TPO A DNA SWAB WAS OBTAIN FROM SUBJECT AS PER FORCE ORDER SIGNED BY HON.  
KONVIER AS PER IND NO, 1811/2014. ORDER WAS ENFORCED AT THE RNDG LOCATED AT  
RIKERS ISLAND 11-11 HAZEN ST. QUEENS NY

916280 06/10/2016 16:27 :

**Note:** Acceptance of this request by the laboratory does not constitute a contract to provide services. Requests for testing will be fulfilled based on resources, the need to meet investigative and / or legal requirements and laboratory policy.

Officer	Rank	Name	Test No	Comments	Date
Report Prepared by	OT2	GRANT, DELANO	916828	DA SQD NY CNTY	06/10/2016
Supervisor	SGT	SCHNEIDER, ADAM	884829	POLICE LAB	06/10/2016

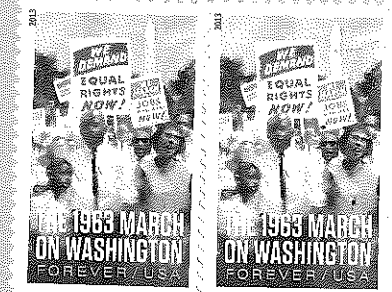


RFL# 99000146021

FBS15-00719



Arthur McBride  
B.N.D.C. 11-11 Hazen Street  
East Elmhurst, New York 11370



United States District Court  
Southern District of New York  
United States Courthouse  
500 Pearl Street  
New York, New York 10007

9/11/16  
Boyle  
JB

USMP3  
SDNY

62:11117 1-0389102

SEP 14 2016  
RECEIVED  
CLERK OF COURT  
SOUTHERN DISTRICT OF NEW YORK

ATTN: District Court Clerk

